

JURY REPLIES

Men An- Dist. Atty. Baird.

RECKLESS IRRESPONSIBLE

ence in the Sodergren Reviewed by Those Who Heard It.

ADVERTISER: Now that Baird's speech made in the Court the other day assailed the Sodergren case has been the public, the undersigned that jury would like to reviewing statement:

his speech challenged the jury in acquitting the defendant and charged that it was due, to hostility to the United States. In other words, their integrity as jurors and as citizens.

and deliberate condemnation rested entirely upon the Sodergren was acquitted; other cases were tried before him, one of them being against this same defendant, the jury convicted, and were they acquitted, Mr. Sodergren, assured several personally that he believed in a proper verdict. We prosecuting attorney, affirms that met the approval of the jury and which constituted the jury cases that were Federal Court in this county last but fourth, announcing the verdict for the present at the Sodergren case, a conviction in a case United States was prosecuting this up, Mr. Baird made on the characters of the defendant next to be fully wound up by causing the entire panel, and the term.

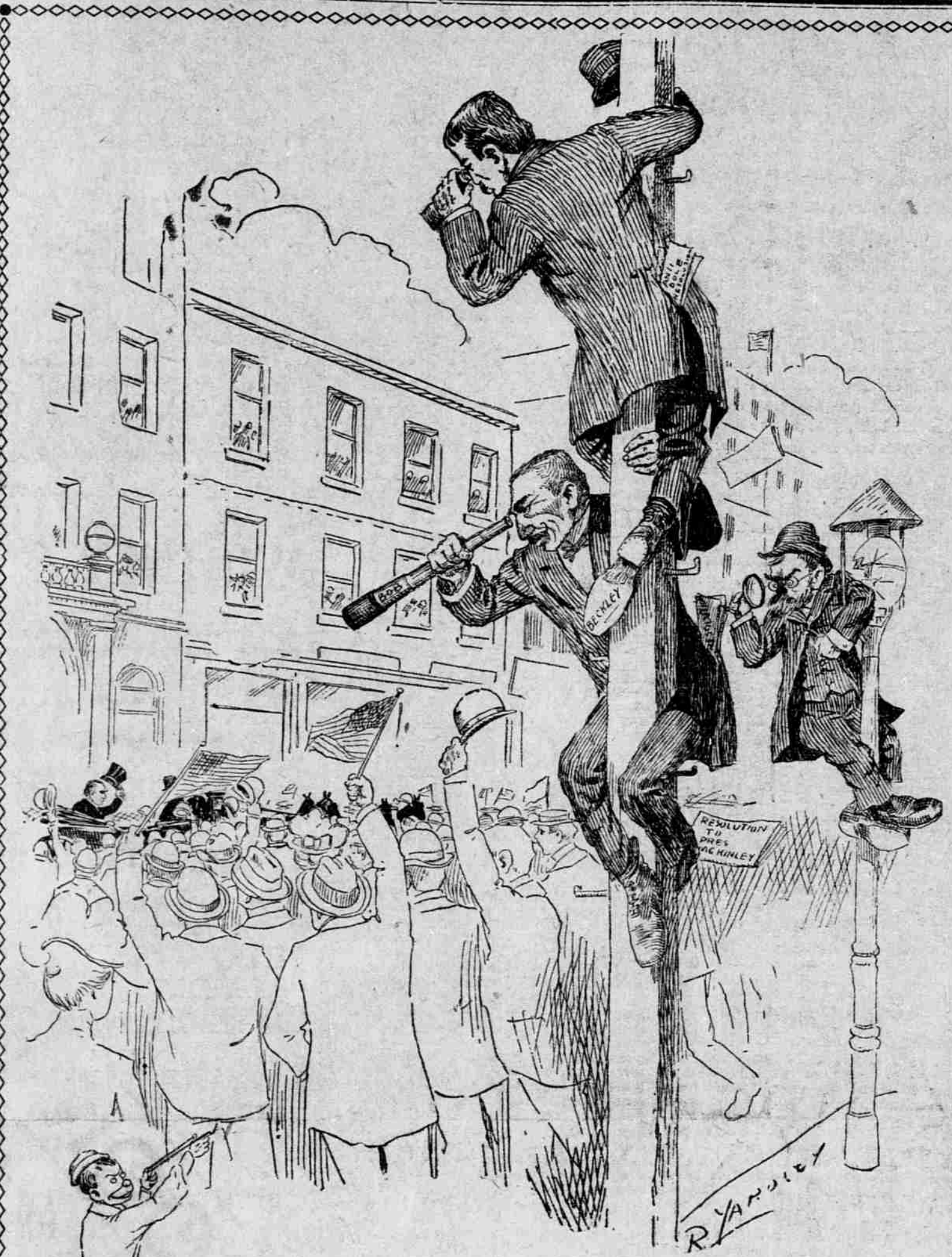
discussion of misconduct was made, nor was any verdict of acquittal proper. And if such accusation is made, the jury declare it utter. It is evidently based upon the evidence of the second day out but could not remember the time of day, whether morning or afternoon, nor could he state how or why the assault came about, thus contradicting the evidence first given by him circumstantially setting forth three assaults on the day in question.

The evidence of the captain and officers that for some three days out the prosecuting witness was seasick and was not able to work and did not work and did not come in contact with the captain at all, or have a chance to be assaulted, made a strong impression on the minds of the jury as being inherently far more probable than the story of the cabin boy that though on his first voyage to sea and seasick, he had washed out the cabin, polished the brass-work, waited on the table, etc., during that period, and for being seasick and slow was unmercifully beaten by the defendant.

The above simply serves to illustrate one out of many phases of the evidence, some favorable to and some against the defendant, but the net result was that the jury entertained strong doubts as to the story presented by the prosecution and gave defendant the benefit of the doubt, as instructed by the Court to do. The deliberations of the jury were calm and dispassionate, and they arrived at their verdict by a careful analysis of the evidence, and no one among them had any idea that the verdict would be received or interpreted as it was by the losing side. As a matter of fact, Mr. Baird heard very little of the evidence, the case being conducted by Mr. Dunne, his assistant.

So much as to the bad faith of the jury in rendering the verdict they did. As to the charge of disloyalty to the Government, the jury feel that no defense whatsoever is necessary, but the accusation serves to illustrate, however, how jaundiced and unfair the man really is, and how reckless and irresponsible in his accusations and how thoroughly un-American and arbitrary at times in his methods. There was no more excuse for the charge of bad faith in acquitting defendant than in the charge of disloyalty as to the motive for so doing. And there is neither merit nor fairness in either accusation. The majority of the jury are native-born American citizens, several being such before Mr. Baird was ever thought of, and one being a member of the Grand Army of the Republic. The balance are naturalized citizens, against whose loyalty nothing possibly can be urged except that fact, and which would prove equally effective against millions of good and true men who have adopted the United States unreservedly and in absolute good faith as their home and country.

E. R. ADAMS. CHARLES H. CARTER. W. F. S. SHARRATT. O. G. TRAPHAGEN. E. C. WINSTON. EDGAR HENRIQUES. W. L. EATON. EDWARD C. ROWE. J. K. MERSEBURG. ST. C. SAYRES. A. B. SCRIMGEOUR. J. H. STELLING.



HOME RULE DELEGATION SEEING THE PRESIDENT.

ANOTHER FAKE CAUGHT ON FLY AND PROMPTLY CAGED

IT is monotonous to have to continually expose the false charges which the Home Rule press keeps making against the Governor, and many of them are allowed to pass unchallenged through sheer weariness; but yesterday's Republican is more recklessly untruthful than usual. It charges in substance, both in its news and editorial columns, that certain lands at Maulua, Hilo, Hawaii were given as a "private snap" and contrary to law, to H. E. Soule, Henry L. Hayes, R. H. Soule, Albert James, J. C. Ridgeway, H. L. Wheatley, H. E. Gehr, H. C. Davis, Walter Nichols, Thos. C. Ridgeway and C. W. Woodman during Mr. Brown's administration in 1898, with the knowledge and approval of the Governor.

"The charge is without a vestige of truth," said Mr. J. F. Brown, the ex-Land Commissioner, when seen yesterday. "The land law specifically provides that six or more persons, who are qualified to take up lands under the Homestead Act, may form a settlement association and apply for holdings in one block of land," and that the Land Commissioner with the approval of the Governor, may cause the lots applied for to be surveyed in one solid block. The same conditions as to clearing, improving and residence apply that is required of other homesteaders. No sale at auction is required to give title to a homestead association under the law.

"This provision of the law is especially intended to provide for a number of congenial people securing land close together, so as to form little settlements. It is under this law that the 'Clarke Settlement' at Wahiawa; back of Ewa, was formed.

"The men above named are a fine lot of young Americans, who requested the privilege of forming an association and taking up this land under this law. They were all American citizens, eligible to take up homestead lands. The land in question is some twenty miles from Hilo town, in an out of the way place. Much of it is heavily wooded, and no one else had applied for the land. I thought it a good thing to get that kind of men here, agreed to their request and carried the transaction through in strict accord with the law. That is all there is to the matter."

MR. LOEBENSTEIN'S STATEMENT.

Mr. Loebenstein, who has continuously been politically opposed to the Governor, volunteers the following personal information upon the subject:

Editor Advertiser: There is an article in this morning's Republican making charges concerning certain Government land transactions in Hilo, with editorial comments thereon. Permit me to suggest that an enquiry by the Republican of the proper officials, and an investigation, even the most cursory, of the facts of the case would have demonstrated the groundlessness of the charges and criticisms.

The Maulua tract in the District of Hilo, consisting of about 1,200 acres, was set apart, surveyed and allotted to the persons mentioned in the Republican article, under the terms and provisions of the Land Act of 1895, providing for the taking up of land by "Settlement Associations," under conditions of payment and occupancy similar to those covered by right of purchase leases.

By further reference to the Land Act it will be seen that the provision for disposing of right of purchase leases does not require a sale at public auction. Furthermore, due notice was given by publication as required by law.

This tract having been surveyed by me, I know the above facts of my own knowledge.

Respectfully,
A. B. LOEBENSTEIN.

Bainbridge at Camp McKinley.

Last evening Mr. Bainbridge gave a highly interesting and amusing recital to the soldiers at Camp McKinley. The renewed applause that greeted Mr. Bainbridge after each item showed that they were truly appreciated. The boys were very much pleased with the comic sketches on the blackboard, accompanied with a humorous anecdote which set them off to advantage. Mr. Bainbridge said he hoped that England and

America would always maintain the deepest and warmest regard for one another, and when the soldiers of America were called to fight it would always be with England and not against her. Mrs. Watkins, in thanking Mr. Bainbridge, said that it was unnecessary to state that his recital had delighted the boys, and to put it briefly, they had spent a real good American evening. The boys presented Mrs. Bainbridge with some Hawaiian curios.

DOLE FILLS OFFICES

E. S. Boyd Made Commissioner of Public Lands.

A NEW HEALTH BOARD APPOINTED

E. A. Mott-Smith for Its President, Henry Hapai, Registrar of Public Accounts.

G OVERNOR DOLE yesterday appointed Edward S. Boyd Commissioner of Public Lands, to succeed J. F. Brown. The new incumbent of this important office has been in the service of the Land Department for about twelve years, and for the past two years was chief clerk. He is a surveyor, and is fully acquainted with the public and private lands of the Territory.

Edward S. Boyd is the brother of Superintendent of Public Works J. H. Boyd. He is a Mason and a Shriner. The Governor also appointed the following persons to serve as the Board of Health in addition to Dr. Charles B. Cooper, the only member of the former board confirmed by the Senate.

Dr. C. L. Garvin, E. A. Mott-Smith, Fred C. Smith, William Auld.

These, together with Attorney General E. P. Dole, will constitute the Board of Health. It is probable that E. A. Mott-Smith will become president of that body. Dr. Cooper positively declines to serve as such, owing to his private business. He is willing, however, to stay in the board. William Auld is a Hawaiian, and is reckoned a leader among his people. He is a politician, and is a warm personal friend of the Queen.

Dr. Garvin was for some time during last year the executive officer of the Health Department, and during the plague epidemic was one of the board's call physicians. He is now engaged in private practice as a physician.

Fred C. Smith is the general passenger agent of the Oahu Railway.

Henry Hapai was yesterday appointed Registrar of Public Accounts of the Territory by the Governor. Mr. Hapai has been the head bookkeeper of the Finance Department for the past four years, and is a competent man for the position. He was well endorsed, and the promotion was deserved.

The new registrar entered the service of the Finance Department in January, 1894, as messenger. He was promoted as a bookkeeper and assigned to the custom house, where he remained for two months, and when he returned, in 1897, to the office of the then Minister of Finance, Hon. S. M. Damon, he received promotion as head bookkeeper, which position he held until yesterday.

He was born in Hilo, and educated at Oahu College, where he graduated in the class of 1893. He is an athlete, and still holds the championship for hurdling.

THE OPERA HOUSE.

Said Pasha Well Presented by the Stantons.

The performance of "Said Pasha" last night was an unfortunate combination of a good show and a bad house.

"Said Pasha," of no great value musically, has always proved a favorite with the public on account of the chances for spectacular display and the ridiculous situations afforded by the plot. There is a good opportunity for a shapely star to display her charms and Miss Stanton makes the most of it as a very chic little mariner in blue tights.

She didn't have much to sing—nobody has in "Said Pasha"—and interpolated "Kentucky Babe" with the same success that attended its introduction last season. Van Dyne played "Said Pasha" sufficiently well and Lyding made a good-looking Hasra Bey.

Hallam, while taking care of his throat, sang Terano artistically and Mr. Carl Formes deserves commendation for his Rajah, despite a perceptible dialect that was decidedly not Hindu. Kunkel and Harvey were funny, but I think a larger house would have made them funnier. Kunkel has a bad habit of galloping his lines, matinee fashion, when the size of the house dispirits him.

Miss Wisdom as Balah and Miss Neilson as Altı were both entirely satisfactory. Egry, eccentric as ever, didn't feel like playing Sarasate last night and played Egry instead, in the shape of his own variations on "Coming Thru" the Rye. He played magnificently, however, and secured four encores. The chorus were effectively costumed and well drilled.

"Fra Diavolo" will be given Thursday evening; "Said Pasha" at the 25-cent and 50-cent matinee on Saturday, with "Wang" for the evening performance. "Wang" ought to bring out a good house.

ALLAN DUNN.

WHIRL OF POLITICS

Emmeluth Wants to Hypnotize McKinley.

PROGRAM OF EXTRA SESSION

Home Rulers to Cut Salaries—Pension for Liliuokalani—New Dispensary Bill.

There was very little loose information lying around in political circles today. Legislators who are generally ready to talk freely knew nothing.

The vexed question as to who shall carry the anti-Dole resolution to the Coast was unsolved up to late last night. It will be remembered how eager several of the native members were to go to San Francisco on the proposed committee to greet the President. The same members are equally eager to carry the resolution, the position being looked upon as a high honor. Beckley, seen yesterday afternoon, stated that Emmeluth would be the actual messenger, but that he might accompany him.

Emmeluth feels that the proper amount of diplomacy might prevail with the President to extend the regular session after all, and he may be persuaded to go despite the extra session work now in hand.

The fact that this is a pleasure trip, not a business visit which President McKinley is taking, and that while the delegation from Hawaii would receive courteous greeting, politics is out of the question, does not for a moment enter the mind of the Home Ruler. Besides the lengthy resolution a budget of bills which hung fire in the Legislature will be taken for the President's inspection. The Home Rule party is building great hopes on the interview with President McKinley and the granting of an extra session is firmly believed in if a sharp reprimand for Governor Dole is not forthcoming.

The outlook for the Appropriation session today is the usual program of disputes and wasted time.

A new Dispensary bill is to be brought up and some Home Rulers seem confident that the Loan bill can be engineered through as an appropriation measure, though just how has not been revealed. There will undoubtedly be much slashing of salaries; a few will be raised but most of them greatly reduced. The Military appropriation is another matter that will be vigorously pruned.

The Loan bill, if taken up by the Home Rule party, will advance upon the promise of a Republican agreement to endorse an appropriation for ex-Queen Liliuokalani of \$250,000.

Until the resolution is actually taken on board the Mariposa today by its accredited carriers, there is still a margin for doubt as to whether it will really reach the President. There are symptoms among the Independents—possibly induced by the suggestions of the astute Territorial Delegate—of letting the matter drop if the Government will grant the Home Rulers sufficient leeway in the matter of passing unfinished revenue measures. Whether this is meant as a means of coercing the Governor or may be regarded as a transitory gleam of wisdom is an open question.

There was to have been a meeting of Home Rulers at Progress Hall last evening, but a quorum failed to show up. The secretary of the party was on hand but few others came. Senator White, who was seen, said he had not been invited.

THE WALKERS TO LEAVE.

They Go on the Moana After a Long Residence Here.

With the departure for England of Mr. T. Rain Walker on the steamer Moana, Honolulu and the Hawaiian Islands will lose a valuable citizen, a business man of the highest integrity, a member of the consular corps, representing for so many years as Vice-Consul, Her Majesty, the Queen Victoria, and more recently King Edward, and a man whose social attainments have made him popular throughout the islands.

Mr. Walker has been connected with the firm of T. H. Davies & Co., as one of the directors and a large shareholder for many years. He is a member of the Anglican church, and is one of the supporters of St. Clement's chapel, whose quaint English church edifice is located at Punahou.

Mr. Walker has aided much in charitable enterprises, but always in a quiet way. Mrs. Walker accompanies her husband, and they will reside for the future in England. Mrs. Walker has been identified very prominently with church and social matters in Honolulu, and the entertainments in the Walker residence on King street have always been charming functions. Mrs. Walker was placed in charge of the Princess Kauiulani when she was taken to England to complete her education, the Princess being also accompanied by her companion, Miss Annie Cleghorn.